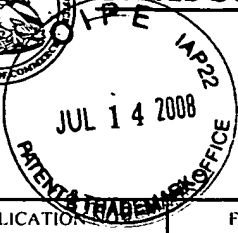




UNITED STATES PATENT AND TRADEMARK OFFICE

IFW

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,190	05/15/2001	Raymond Clarke	13282-1	9310

7590 07/03/2008
Sheldon & Mak
225 South Lake Avenue, Suite 900
Pasadena, CA 91101

EXAMINER

WEINSTEIN, STEVEN L

ART UNIT	PAPER NUMBER
----------	--------------

1794

MAIL DATE	DELIVERY MODE
-----------	---------------

07/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09858190	5/15/2001	CLARKE, RAYMOND	

Sheldon & Mak
225 South Lake Avenue, Suite 900
Pasadena, CA 91101

EXAMINER

Steven L. Weinstein

ART UNIT	PAPER
----------	-------

1794

20080627A

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 12/11/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

It does not appear that applicant has addressed the references that were newly applied in the Office action mailed 12/28/06. These references, which include, J. of Experimental Botany, Tropical agriculture, Refrigeration (1973), Foods and Food Ingredients (Japan 1998), Intl. Conference of CA Packaging (1984), Annals of Botany (1947), and Proc. Atm. Res. Conf. (1989), Intl. J. of Food Science and Technology (1988), and HortScience (1971), were all relied on as further evidence of the conventionality of manipulating the well known process variables inherent in preserving and storing produce, and specifically the O₂ concentration, which is what applicant appears to be urging is the major difference compared to the art taken as a whole. Note that Wade (J. of Experimental Botany (1974) even provides various O₂ gas atmospheres, including one within the recited range, at the time when green bananas are exposed to ethylene to determine the effects of different O₂ levels and green banana ripening.

To expedite prosecution, it is also noted that applicant has pointed out that the claims now recite that there is an equilibrium atmosphere in which the O₂ content has a "substantially" constant value which is from 14-19%. However, note that the specification (p.15, para.1) discloses the packaging atmosphere, for at least "part" (and thus is not a "constant" value) of the period before the bananas reach their climateric contains various concentrations of O₂, including the recited range, and in Table 2, the O₂ level drops from 15.5 to 2.2. It would therefore appear that some further clarification of the length of time or the state of the bananas would be required to make sense of the "constant" value.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Steve Weinstein/
Primary Examiner, Art Unit 1794

IC1700 REMSEN

Organization Bldg./Room
UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450

Alexandria, VA. 22313-1450

If Undeliverable Return In Ten Days

AN EQUAL OPPORTUNITY EMPLOYER



\$ 00.420
02 1M
0004244975 JUL 03 2008
MAILED FROM ZIP CODE 22314

Official Business

Penalty For Private Use, \$300

RECEIVED
JUL 14 2008

US FTO MAIL CENTER 07/10/08
MAX-225*X 913 NDE 1 4070 8000
FORWARD TIME EXPR RTN TO SEND
: SHELTON MAX ROSE & ANDERSON
100 CORSON ST FL 9
PASADENA CA 91109-3842

RETURN TO SENDER

91101330221951450

